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ABSTRACT

Judicious Discipline is a discipline model based on a synthesis of professional ethics, good educational practice, and students' constitutional rights. This paper provides an overview of Judicious Discipline in the schools. Many educators who have familiarized themselves with the concepts of Judicious Discipline begin with a discussion of students rights. Educators then develop rules together based on student responsibilities flowing from those rights and discuss with students the process of how things will be handled when students act irresponsibly. In these democratic classrooms, responsibility flows from a principled level of thinking where students learn to balance their individual freedoms with the interests of the school community. Subsequently, students learn their constitutional rights, especially those granted by the 1st, 4th, and 14th Amendments. Students also learn that offsetting these rights are the states' interest of property loss and damage, legitimate educational purpose, health and safety, and serious disruptions of the educational process. Teachers who practice Judicious Discipline develop class rules based on these compelling state interests, which are reinforced in part by judicious consequences that follow rules violations. Judicious Discipline presents student misbehavior as learning opportunities, providing them a code of ethics, but recognizing that some students who are unstable will probably not benefit from this approach. (RJM)

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Four Qualities for the New Millennium:
2nd Annual China-U.S. Conference on Education

Title of Presentation: "Judicious Discipline"
Presenter's Name: Dr. Colleen Larson, Principal
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Judicious Discipline is a discipline model based on the synthesis of professional ethics, good educational practice, and students' constitutional rights. It is a philosophy and a practice that uses rules and consequences to build a democratic, educational community. Educators have always believed students should take responsibility for their actions and that teaching citizenship is an important part of any curriculum. Judicious Discipline, however, takes that belief one step further--it assists educators to create a democratic school environment that respects the citizenship rights of students. As a result, students will be learning and experiencing a model of discipline that emphasizes personal responsibility.

Ultimately, the practice of democratic principles guides students toward understanding and accepting a social contact with others. Many educators who have familiarized themselves with the concepts of Judicious Discipline start right off on the first day by involving their students in setting up a democratic classroom. They begin with a discussion of student rights, develop rules together based on student responsibilities flowing from those rights, and discuss with students the process of how things will be handled when they act irresponsibly. In these democratic classrooms, responsibility flows from a principled level of thinking where students learn to balance their individual freedoms with the welfare interests of the school community. Consequently, many educators have found that Judicious Discipline fits very well with teaching strategies such as cooperative learning and whole language. Educators employing these kinds of democratic teaching strategies find it very easy to integrate

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Judicious Discipline's philosophy and language into their daily practices. In addition, educators who have used or wish to use student-centered methods of teaching seem to move quite comfortably to the concepts of Judicious Discipline. The model not only reinforces their present practices by giving them a language to support what they have been doing already, but it also gives them more ideas to progress even further towards building a democratic community.

What are students' constitutional rights at school?

In America, we live in a system of constitutional government that not only bestows specific freedoms on each individual but also provides for the needs, interests, and welfare of the majority. How our society judiciously balances individual rights with the welfare of the majority is how we live productively and peaceably together in America.

It all begins with the Bill of Rights, the first ten amendments to the United States Constitution, which were written to protect three basic human values: freedom, justice, and equality. Three of those amendments specifically apply to the school setting when talking about students' rights. Teachers who practice Judicious Discipline teach students the concepts of these three amendments and how they apply in the school environment. The students learn that The First Amendment protects freedom of speech, freedom of expression, freedom of press, freedom of religion, and the right to assemble peaceably. For example, students can express their ideas and opinions, wear clothes that express their individualism, and bow their heads at lunch time to say a prayer. They learn that The Fourth Amendment protects their property at school and that teachers and administrators must have a reasonable cause to search their lockers or their desks. Lastly, they learn that The Fourteenth Amendment protects their due process rights which entitles them to an adequate notice of the rule violation, a fair and impartial hearing which gives students an opportunity to tell their side of the story, and the right to appeal a decision. The Fourteenth Amendment also provides equal

protection under the law and protects against discrimination based on sex, race, national origin, disabilities, age and religion.

The Legal Perspective: Compelling State Interests

As strong as student rights appear, there is another side to the scale of justice. There are, in fact, four state interests that limit constitutional freedoms. These state interests are as well-grounded in legal principle as the reasoning which allows for individual rights. These compelling state interests simply mean that in some cases the needs and interests of the majority weigh greater than those of an individual--any individual. The compelling state interests are:

1) Property Loss or Damage
2) Legitimate Educational Purpose
3) Health and Safety
4) Serious Disruption of the Educational Process

The courts in the United States of America use these four compelling state interests to balance individual freedoms with the rights of the majority in the public schools.

School Rules

Teachers who practice Judicious Discipline in their classrooms develop class rules based on the compelling state interests. The following are examples of school rules that were developed by a group of teachers, students, and parents for the whole school community based on the compelling state interests:

1) <u>Act in a Safe and Healthy Way</u>

   Example: Be kind with words and actions.

   (Compelling State Interest: Health and Safety)

2) Treat All Property with Respect

Examples: Respect and care for the personal property of yourself and others.

Borrow the property of others only after receiving permission.

(Compelling State Interest: Property Loss and Damage)

3) Respect the Rights and Needs of Others

Examples: Work and play without disrupting others.

Show courtesy towards others.

Cooperate to help others learn.

(Compelling State Interest: Serious Disruption of the Educational Process)

4) Take Responsibility for your Learning

Examples: We are here to learn and to help others learn.

Come to school prepared to learn.

(Compelling State Interest: Legitimate Educational Purpose)

Judicious Consequences

Judicious rules necessitate judicious consequences. Therefore, teachers that practice Judicious Discipline realize good discipline is directly related to the way educators handle violations to rules. Therefore, they practice judicious consequences.

There are two important aspects of judicious consequences. The first is a consequence which is commensurate with the rule violation. For example, if a student writes on a desk, a commensurate consequence would be to clean it. Commensurate denotes the consequence is consistent with and flows logically from the student's misbehavior. The second aspect is compatible. The compatible nature of judicious consequences embodies a holistic approach that begins with identifying issues central

to the education and self-esteem needs of each student as well as to the mission and ethical practices of professional educators. For example, if the consequence for writing on a desk is to clean it, the teacher would not ask the student to clean it in front of his/her peers because that would cause embarrassment. Rather, an agreeable time is established for the student to clean the desk.

Two Important Concepts of Judicious Discipline

One important concept of Judicious Discipline is that it is an educational model of discipline. When students misbehave, teachers act as mentors, always pausing to think, "What needs to be learned here?" Thus, every student's problem becomes an educational challenge.

The second important concept of Judicious Discipline is that it is established on sound professional ethics. Professional ethics are the "conscience" of a school community. Ethics are sometimes referred to as "beginning where the law stops." For example, there is no law against a teacher confronting a student with, "Why can't you be as good as your sister was in class?" But viewed through professional ethics, the comparing of students is considered poor educational practice, one that will often precipitate attitudinal problems that negatively effect the level of student achievement as well as the learning climate of the entire classroom.

Therefore, educators who practice Judicious Discipline in their classrooms establish a professional student/educator relationship with their students that serves their best interests. They respond to troubled students by saying such things as "What do you think needs to be learned here?" Every interaction with misbehaving students centers on the resolution of the problem by creating learning experiences that allow them to take responsibility for their actions in order to grow as well as recover from their mistakes. The outcome is a judicious style and philosophy fundamental to resolving even the most difficult of student problems.

Teacher Statement of Ethics

In general, educator's professional ethics are passed along through their daily interactions with students. Educators who practice Judicious Discipline compose a "Statement of Ethics" which is posted for all to view. This statement of ethics reflects the teacher's commitment to helping every student succeed and makes known his/her philosophy of teaching and learning.

Student Statement of Ethics

As students in Judicious Discipline classrooms learn more about ethics and the important role they play in society, teachers help them compose their own "Ethics of Appropriate Behavior." During a class meeting, students prepare a list of behavioral goals such as honesty, promptness, personal hygiene, initiative, cooperation, mutual respect, accountability, concern for the welfare of others, and ways they can help others in the class learn and feel better about themselves.

The following is an example of how students composed a statement of ethics:

1. We would like to be treated with respect.
2. We would like others to be considerate of our feelings.
3. When papers are displayed, we would like to have all class members' papers displayed, not just a few.
4. We would like to be treated equally, but not the same.
5. We want to be able to trust our teacher to give matching consequences when a rule is broken, and not embarrass us.
6. We would like the people in the class to be responsible for themselves.
7. We would like the people in the class to be considerate of our ideas and opinions.
8. When we disagree with someone, we can be polite and not explode.

9. We want people to help people when they need it.

When finished, most educators that practice Judicious Discipline post the students' ethics statement next to the class rules and the teacher's professional statement of ethics. They discuss with the students how they are all interrelated and equally important. By doing so, students are reminded of the rules to follow in the classroom as well as how the students will behave towards others. In addition, they are reminded of the way they want others to treat them.

Limitations

As with any approach educators use for classroom discipline, limitations may exist. Judicious Discipline is no exception. There are, for example, always some students who are emotionally unstable or who suffer from physiological disorders whom cognitive methods will not affect immediately. When this occurs, or when students get completely out of control, other strategies have to be brought into play. But with these limitations, one of the appealing qualities of Judicious Discipline is that it does not intensify the problem or "add insult to injury." There is a healing nature inherent in the principles of the Constitution of the United States from which "good vibes" and mutual respect emanate. As a result, Judicious Discipline works to minimize classroom stress and anxiety for both students and teachers because of the environmental emphasis on human rights and individual dignity.

Students who are consistently treated like somebody at school will eventually begin looking at themselves that way. If students are going to develop feelings of self-efficacy, they need an environment where they can practice the responsibility that comes with being themselves. Creating this democratic school setting is clearly the purpose of Judicious Discipline.